

In the United States Patent and Trademark Office

In re Application of:

Kenneth A. Parulski, et al

ELECTRONIC STILL CAMERA FOR
CAPTURING AND CATEGORIZING
IMAGES

Reissue Application No.: 09/313,535

Filed 15 November 2000

Reissue for U.S. Patent 5,633,678
issued 27 May 1997

Group Art Unit: 2625
Confirmation No.: 4050

Examiner: Quochien B. Vuong

Honorable Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

**37 CFR § 1.175 STATEMENT OF INOPERATIVENESS
OF ORIGINAL PATENT (INVENTOR)**

Applicants, Kenneth A. Parulski, Thomas A. Napoli and David M. Lewis declare that:

We have reviewed and understand the contents of the specification, including the claims, of the attached reissue application.

We believe ourselves to be the original, first, and joint inventors of the subject matter claimed in ELECTRONIC STILL CAMERA FOR CAPTURING AND CATEGORIZING IMAGES for which we solicit a patent, described and claimed in our original Letters Patent No. 5,633,678 ('678 patent), issued May 27, 1997, based on U.S. Patent Application Serial No. 574,756, filed December 20, 1995 and for the attached specification for which invention we solicit a reissue patent. As to the subject matter of the application, we do not know and do not believe that this subject matter was ever known or used in the United States prior to our invention or discovery thereof. We have the following citizenship, residence and post office addresses:

2	FULL NAME OF INVENTOR	FAMILY NAME Parulski	FIRST GIVEN NAME Kenneth	SECOND GIVEN NAME A.
0	RESIDENCE & CITIZENSHIP	CITY Rochester	STATE OR FOREIGN COUNTRY New York 14617	COUNTRY OF CITIZENSHIP USA
1	BUSINESS ADDRESS	BUSINESS ADDRESS Eastman Kodak Company	CITY 343 State Street, Rochester	STATE & ZIP CODE (COUNTRY) New York 14650 USA
2	FULL NAME OF INVENTOR	FAMILY NAME Napoli	FIRST GIVEN NAME Thomas	SECOND GIVEN NAME A.
0	RESIDENCE & CITIZENSHIP	CITY Rochester	STATE OR FOREIGN COUNTRY New York 14692	COUNTRY OF CITIZENSHIP USA
2	BUSINESS ADDRESS	BUSINESS ADDRESS Eastman Kodak Company	CITY 343 State Street	STATE & ZIP CODE (COUNTRY) New York 14650 USA
2	FULL NAME OF INVENTOR	FAMILY NAME Lewis	FIRST GIVEN NAME David	SECOND GIVEN NAME M.
0	RESIDENCE & CITIZENSHIP	CITY Waterport	STATE OR FOREIGN COUNTRY New York 14571	COUNTRY OF CITIZENSHIP USA
3	BUSINESS ADDRESS	BUSINESS ADDRESS	CITY	STATE & ZIP CODE (COUNTRY)

We believe that our issued '678 patent is partly inoperative by reason of our claiming less than we had a right to claim in that the claims are limited to a *user* control for selecting one or more categories for the images *before* the images are captured whereas the invention has much broader applications. The invention was disclosed to the patent attorney who wrote the application using a *user* control for selection of one or more categories *before* the images are captured as an example of this invention and as the embodiment which had immediate commercial interest. We believe that one skilled in the art, after reading our issued '678 patent, would clearly understand that selecting one or more categories for the images does not have to be performed *before* the images are captured, and that the control for the selection does not have to be a *user* control. The claims actually prosecuted in the original application were, by mistake, inadvertently all directed to the *user* control for category selection *before* image capture embodiment.

The present reissue application overcomes the inoperativeness of the patent.

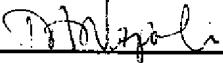
We acknowledge our duty to disclose to the United States Patent and Trademark Office all information known to each one of us to be material to patentability as defined in 37 CFR 1.56.

The errors arose without any deceptive intention on our part.

As named inventors, we hereby appoint the attorney(s) and/or agent(s) associated with Eastman Kodak Company Customer No. 01333 to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith. Please address all written

communications to Customer Number 01333, Patent Legal Staff, Eastman Kodak Company, Rochester, New York 14650-2201 and direct all telephone calls to Peter H. Hernandez 585-477-0843, FAX: 585-477-4646.

The undersigned declare further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201	SIGNATURE OF INVENTOR 202	SIGNATURE OF INVENTOR 203
		
DATE	DATE	DATE
	11/9/2009	